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**TERMINAL DISCLAIMER TO OBIVATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)

16356.516 (DC-02128)

In re Application of: La Vaugh F. Watts, Jr. et al.

Application No.: 09/492,030

Filed: January 25, 2000

For: WIRELESS COMMUNICATION APPARATUS

The owner*, Dell USA, L.P., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent** No. 6,295,197 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 26,528

Signature

12-16-04

Date

James R. Bell

Typed or printed name

12/28/2004 KBETEMAI 00000031 09492030

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130.00 DP

512/867-8407

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



AUG 23, 2000



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HAYNES AND BOONE, L.L.P.
DAVID L. MCCOMBS
901 MAIN STREET
SUITE 3100
DALLAS, TX 75202-3789

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RECORDATION DATE: 06/12/2000

REEL/FRAME: 010890/0024
NUMBER OF PAGES: 3

BRIEF: ~~ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS)~~.

ASSIGNOR:

WATTS, LA VAUGHN, JR.

DOC DATE: 05/19/2000

ASSIGNOR:

SCHOLDER, ERICA

DOC DATE: 05/19/2000

ASSIGNEE:

DELL USA L.P.
ONE DELL WAY
ROUND ROCK, TEXAS 78682-2244

SERIAL NUMBER: 09491485
PATENT NUMBER:

FILING DATE: 01/25/2000
ISSUE DATE:

SEDLEY PYNE, PARALEGAL
ASSIGNMENT DIVISION
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FORM PTO-1619A
Expires 06/30/99
OMB 0651-0027

07-07-2000

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Conveyance Type

☒ Assignment ☐ Security Agreement

☐ License ☐ Change of Name

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Conveying Party(ies)

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Name (line 1)	<input type="text" value="La Vaughn F. Watts, Jr."/>	Execution Date Month Day Year <input type="text" value="05/19/00"/>
Name (line 2)	<input type="text"/>	
Second Party		
Name (line 1)	<input type="text" value="Erica Scholder"/>	Execution Date Month Day Year <input type="text" value="05/19/00"/>
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Area Code and Telephone Number

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Address (line 2)

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Application Number(s) or Patent Number(s)

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Patent Application Number(s)

Patent Number(s)

<input type="text" value="09/491,485"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor.

Month Day Year

Patent Cooperation Treaty (PCT)

Enter PCT application number
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PCT PCT PCT
PCT PCT PCT

Number of Properties

Enter the total number of properties involved.

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Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41): \$

Method of Payment:
Deposit Account

Enclosed ☒ Deposit Account ☐

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Deposit Account Number:

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Authorization to charge additional fees:

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Statement and Signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

David L. McCombs



6-9-00

Name of Person Signing

Signature

Date

ASSIGNMENT

WHEREAS, WE,

- | | | |
|-----|-------------------------|----------------------------------|
| (1) | La Vaughn F. Watts, Jr. | City of Austin
State of Texas |
| (2) | Erica Scholder | City of Austin
State of Texas |

have invented certain improvements in a

WIRELESS COMMUNICATION APPARATUS

and executed a United States patent application filed January 25, 2000 and assigned U.S. Serial No. 09/491,485.

WHEREAS, DELL USA, L.P., a Texas limited partnership having a place of business at One Dell Way, Round Rock, TX 78682-2244 (hereinafter called DELL), desires to acquire the entire right, title and interest in the application and invention, and to any United States and foreign patents to be obtained therefor;

NOW, THEREFORE, for a valuable consideration, receipt whereof is hereby acknowledged, we, the above named, hereby acknowledge our prior existing obligation and hereby sell, assign, and transfer to DELL, its successors and assigns, the entire right, title, and interest in the application and invention therein disclosed for the United States and foreign countries, to and under the said improvements, and the said application and all divisional, renewals, continuing applications thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we request the Commissioner of Patents to issue any Letters Patent granted upon the invention set forth in the application to DELL its successors and assigns; and we hereby agree that DELL may apply for foreign Letters Patent on the invention and we will execute all papers necessary in connection with the United States and foreign applications when called upon to do so by DELL.

(1) May 19, 2000
Date

J. Vaughn F. Watts, Jr.
La Vaughn F. Watts, Jr.

(2) 5/19/2000
Date

Erica Scholder
Erica Scholder



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
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Washington, D.C. 20231

JUNE 27, 2000

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HAYNES AND BOONE, L.L.P.
DAVID L. MCCOMBS
901 MAIN STREET
SUITE 3100
DALLAS, TX 75202-3789



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RECORDATION DATE: 04/10/2000

REEL/FRAME: 010735/0184
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

WATTS, LA VAUGHN F., JR.

DOC DATE: 03/09/2000

ASSIGNOR:

SCHOLDER, ERICA

DOC DATE: 03/09/2000

ASSIGNEE:

DELL USA, L.P.
ONE DELL WAY
ROUND ROCK, TEXAS 78682-2244

SERIAL NUMBER: 09492030
PATENT NUMBER:

FILING DATE: 01/25/2000
ISSUE DATE:

MARCUS KIRK, EXAMINER
ASSIGNMENT DIVISION
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4/10100

05-02-2000

Docket No.

FORM PTO-1619A
Expires 06/30/99
OMB 0651-0027

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Conveyance Type

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- ☐ Merger ☐ Other
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Conveying Party(ies)☐ Mark if additional names of conveying parties attached

Name (line 1) La Vaughn F. Watts, Jr.

Execution Date
Month Day Year
03-09-00

Name (line 2)

Second Party

Name (line 1) Erica Scholder

Execution Date
Month Day Year
03-09-00

Name (line 2)

Receiving Party☐ Mark if additional names of receiving parties attached

Name (line 1) Dell USA, L.P.

Name (line 2)

Address (line 1) One Dell Way

Address (line 2)

Address (line 3) Round Rock

TX

78682-2244

City

State/Country

Zip Code

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Address (line 2)

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d631239.1

Correspondent Name and Address

Area Code and Telephone Number **214-651-5533**

Name **David L. McCombs**

Address (line 1) **Haynes and Boone, L.L.P.**

Address (line 2) **901 Main Street, Suite 3100**

Address (line 3) **Dallas, TX 75202-3789**

Address (line 4)

Pages

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Application Number(s) or Patent Number(s)

☐ Mark if additional numbers attached

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Patent Application Number(s)

09/492,030

Patent Number(s)

If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor.

Month Day Year

Patent Cooperation Treaty (PCT)

Enter PCT application number
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PCT

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Number of Properties

Enter the total number of properties involved.

1

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41): \$ **40.00**

Method of Payment:
Deposit Account

Enclosed ☒

Deposit Account ☐

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number:

08-1394

Authorization to charge additional fees:

Yes

☒

No

☐

Statement and Signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

David L. McCombs

Name of Person Signing

Signature

Date

4-3-00

ASSIGNMENT

WHEREAS, WE,

- | | | |
|-----|-------------------------|----------------------------------|
| (1) | La Vaughn F. Watts, Jr. | City of Austin
State of Texas |
| (2) | Erica Scholder | City of Austin
State of Texas |

have invented certain improvements in a

WIRELESS COMMUNICATION APPARATUS

and executed a United States patent application filed on January 25, 2000, serial no. 09/492,030.

WHEREAS, DELL USA, L.P., a Texas limited partnership having a place of business at One Dell Way, Round Rock, TX 78682-2244 (hereinafter called DELL), desires to acquire the entire right, title and interest in the application and invention, and to any United States and foreign patents to be obtained therefor;

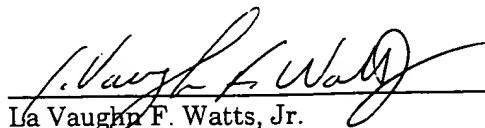
NOW, THEREFORE, for a valuable consideration, receipt whereof is hereby acknowledged, I, the above named, hereby acknowledge my prior existing obligation and hereby sell, assign, and transfer to DELL, its successors and assigns, the entire right, title, and interest in the application and invention therein disclosed for the United States and foreign countries, to and under the said improvements, and the said application and all divisionals, renewals, continuing applications thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we request the Commissioner of Patents to issue any Letters Patent granted upon the invention set forth in the application to DELL its successors and assigns; and we hereby agree that DELL may apply for foreign Letters Patent on the invention and we will execute all papers necessary in connection with the United States and foreign applications when called upon to do so by DELL.

(1)

Date

3-9-2000

La Vaughn F. Watts, Jr.



ASSIGNMENT

WHEREAS, WE,

- | | | |
|-----|-------------------------|----------------------------------|
| (1) | La Vaughn F. Watts, Jr. | City of Austin
State of Texas |
| (2) | Erica Scholder | City of Austin
State of Texas |

have invented certain improvements in a

WIRELESS COMMUNICATION APPARATUS


and executed a United States patent application filed on January 25, 2000, serial no. 09/492,030.

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NOW, THEREFORE, for a valuable consideration, receipt whereof is hereby acknowledged, I, the above named, hereby acknowledge my prior existing obligation and hereby sell, assign, and transfer to DELL, its successors and assigns, the entire right, title, and interest in the application and invention therein disclosed for the United States and foreign countries, to and under the said improvements, and the said application and all divisionals, renewals, continuing applications thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we request the Commissioner of Patents to issue any Letters Patent granted upon the invention set forth in the application to DELL its successors and assigns; and we hereby agree that DELL may apply for foreign Letters Patent on the invention and we will execute all papers necessary in connection with the United States and foreign applications when called upon to do so by DELL.

(2)

3/9/00
Date


Erica Scholder